

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
SOUTHERN DIVISION

MICHAEL WILLIAMSON,

Plaintiff,

v.

THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA,

Defendant.

1 : 09CV-036

No.

Matthee/Carter

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1332, the Defendant, The Prudential Insurance Company of America ("Prudential"), provides notice of removal of this case to this Court and states as follows:

1. Prudential is a Defendant in an action styled "Michael Williamson v. The Prudential Insurance Company of America," Case No. 09C-199, which was filed in the Circuit Court of Hamilton County, Tennessee on February 3, 2009.¹ Copies of the Civil Cover Sheet, Summons and Complaint filed in said action are attached hereto and made a part hereof by reference as collective Exhibit 1 and constitute all process, pleadings and orders served upon the Defendant in such action.

2. The Summons and Complaint have been served upon the Defendant.

3. Plaintiff is a citizen of the State of Tennessee. See **Exhibit 1**, ¶ 1. Prudential is organized in the State of New Jersey with its principle place of business in New Jersey. Therefore, diversity of citizenship exists.

¹ The Complaint was mistakenly filed in the Circuit Court of Hamilton County, although the style states it was filed in Madison County. Upon removal, the parties intend to file a joint motion to transfer this case to the United States District Court for the Western District of Tennessee.

4. The amount in controversy exceeds \$75,000.00. As alleged in the Complaint, Plaintiff is seeking disability benefits from 2007 forward, as well as treble damages under the Tennessee Consumer Protection Act, an additional 25% bad faith penalty, and attorney's fees. *See* Exhibit 1, Prayer for Relief. Prudential's counsel has conferred with Plaintiff's counsel who has confirmed that Plaintiff is seeking a judgment which exceeds \$75,000.00.

5. Accordingly, there is complete diversity between the parties and this Court has original jurisdiction under 28 U.S.C. § 1332.

6. A copy of the notice of filing of notice of removal that will be filed promptly with the Clerk of the Circuit Court for Hamilton County, Tennessee, is attached as **Exhibit 2**.

Based upon all of the foregoing, Prudential submits that removal is appropriate and timely. Prudential respectfully prays that the above-entitled action now pending against it in the Circuit Court for Hamilton County, Tennessee be removed to the United States District Court for the Eastern District of Tennessee, Southern Division.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David L. Johnson', with a large, stylized flourish extending to the right.

David L. Johnson
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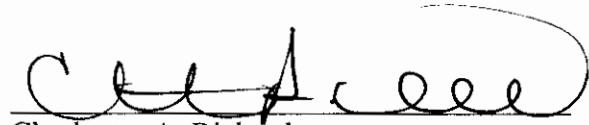
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded by first-class U.S. Mail, postage prepaid, to:

Eric Buchanan
R. Scott Wilson
D. Seth Holliday
ERIC BUCHANAN & ASSOCIATES, PLLC
414 McCallie Avenue
Chattanooga, Tennessee 37402

on this the 3rd day of March, 2009.



Charlnette A. Richard